

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Bryan D. Metzger
DOCKET NO.: 05-02186.001-R-1
PARCEL NO.: 08-20-281-023-000

The parties of record before the Property Tax Appeal Board are Bryan D. Metzger, the appellant, by attorney Jay M. Huetsch of Adams & Heutsch, Waterloo, Illinois; and the Monroe County Board of Review.

The subject property consists of a one and one-half story brick and frame dwelling containing 3,445 square feet of living area that was built in 2004. The dwelling is situated on a 3.18 acre or 138,350 square foot site. Features include three and one half bathrooms, a full unfinished basement, zoned heating and central air conditioning, a fireplace, an open porch, and a three-car garage.

The appellant appeared before the Property Tax Appeal Board represented by counsel claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted an appraisal report estimating the subject's fair market value to be \$300,000 as of October 20, 2004. The appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology and final value conclusion.

Under the cost approach, the appraiser estimated the reproduction cost new of the subject property including land to be \$332,685.

Under the sales comparison or market approach, the appraiser utilized four suggested comparable sales located from 2.69 to 4.92 miles from the subject. The comparables consist of two, one-story brick and frame dwellings; a one and one-half story frame dwelling; and a two-story brick and frame dwelling. The dwellings were constructed from 1993 to 1999; range in size from 2,035 to 3,284 square feet of living area; and are situated on sites ranging in size from 1 to 6 acres. All the comparables contain full walkout basements, two of which contain some

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Monroe County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	14,310
IMPR.:	\$	105,710
TOTAL:	\$	120,020

Subject only to the State multiplier as applicable.

finished area. Other features include 2 to 3.5 bathrooms, central air conditioning, one fireplace, porches, patios, decks, one fireplace, and two or three car garages. Comparable 2 has an in ground swimming pool. The comparables sold from April 2004 to August 2004 for prices ranging from \$270,000 to \$380,000 or from \$115.71 to \$132.68 per square foot of living area including land.

The appraiser adjusted the comparables for differences to the subject in site size, room count, bathrooms, living area, basement types, energy efficient items, garage size, and other ancillary features such as porches, patios, decks and a swimming pool. The adjustments resulted in adjusted sales prices ranging from \$280,550 to \$363,705 or from \$110.75 to \$137.86 per square foot of living area including land. Based on these adjusted sales, the appraiser concluded the subject property has an estimated market value of \$300,000 or \$87.08 per square foot of living area including land.

At the hearing, counsel submitted a two page analysis he prepared of the comparable sales contained in the appraisal report. The analysis also included a new comparable sale submitted by the appellant as rebuttal. The analysis adjusted the new comparables sale for differences to the subject using the adjustment values contained in the appraisal. The appellant's counsel argued the appellant submitted the only evidence of the subject's value. Counsel argued the board of review merely offered arguments to refute the appellant's appraisal, but no valuation evidence. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$120,020 was disclosed. The subject's assessment reflects an estimated market value of \$358,376 or \$104.03 per square foot of living area including land using Monroe County's 2005 three-year median level of assessments of 33.49%.

With regard to the appraisal submitted by the appellant, the board of review argued the cost approach estimated the subject's fair market value to be \$332,685 and average sale price of the comparables contained within the appraisal is \$333,759. The board of review argued the appraiser's \$5.00 per square foot size adjustment applied to the comparables is not supported. In contrast, the board of review pointed out the appellant's appraiser valued the subject dwelling at \$62.98 per square foot of above grade living area excluding land under the cost approach. The board of review argued the per square foot adjustment amount for dwelling size is grossly understated without justification or explanation. The board of review also

disputed the appraiser's adjustment amounts for garage size and land area.

The board of review also argued the appraisal report indicates comparable 2 "is closest to the subject in square footage as well as being closest in room count." However, the board of review argued the appraiser seemed to disregard the value of comparable 2 in the final estimate of market value. This property sold for \$380,000 or \$115.71 per square foot of living area including land in April 2004. It had an adjusted sale price of \$363,705 or \$110.75 per square foot of living area including land. The board of review argued this comparable sale does not support the appraiser's final value conclusion for the subject property of \$300,000 or \$87.08 per square foot of living area including land. Furthermore, the board of review argued this sale supports its assessed valuation of the subject property. The board of review indicated the subject's assessment is supported by its property record card using the cost approach to value, which was not submitted into this record. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In their rebuttal submission, the appellant argued the cost of the subject lot was \$42,000 and lot cost for comparable 2 contained in the appraisal was \$40,000. No evidence to support this claim was submitted. The appellant also argued the subject property is located in a rural country subdivision whereas comparable 2 is located within the city limits of Waterloo with city utilities and services. The appellant also argued comparable 2 has more features than the subject such as a walkout finished basement, a patio and swimming pool. The appellant also argued the subject property does not have landscaping or sidewalks. Counsel further argued the board of review submitted no evidence to refute the adjustment amounts contained within the appellant's appraisal report or any valuation evidence to support the subject's assessed valuation.

The appellant also attempted to submit a new comparable sale from the subject's subdivision. The Board finds it cannot consider this new evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states:

Rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. A party to the appeal shall be precluded from submitting its own case in chief in guise of rebuttal evidence. (86 Ill. Adm. Code §1910.66(c)).

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the

parties and the subject matter of this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property's assessment was not reflective of its fair market value. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has not overcome this burden.

The appellant submitted an appraisal estimating the subject's fair market value to be \$300,000 as of October 20, 2004, using the cost and sales comparison approaches to value. The courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach.

First, the Board gave little weight to the value conclusion contained in the appraisal submitted by the appellant. The appellant's appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology, the selection of the comparables, the adjustment process and final value conclusion. Moreover, in reviewing the market data contained within the appraisal report, the Board finds the appraiser's final value conclusion is not supported and is unpersuasive. Under the sales comparison approach to value, the comparables sold from April 2004 to August 2004 for prices ranging from \$270,000 to \$380,000 or from \$115.71 to \$132.68 per square foot of living area including land. After adjusting the comparable for differences when compared to the subject, they had adjusted sales prices ranging from \$280,550 to \$363,705 or from \$110.75 to \$137.86 per square foot of living area including land. Based on these adjusted sales, the appraiser concluded the subject property has an estimated market value of \$300,000 or \$87.08 per square foot of living area including land, which is considerably less than the comparables' per square foot sale prices, adjusted or unadjusted. The Board finds the appraiser's final value conclusion for the subject of \$87.08 per square foot of living area including land is not supported by the comparable sales contained within the appraisal report.

However, the Board will consider the raw sales data contained within the appraisal report to determine whether the subject's assessed valuation is supported. Initially, the Property Tax Appeal Board finds all of the comparable sales are older in age and smaller in size when compared to the subject, with varying degrees of similarity with respect to features. In addition, two comparables have less land area than the subject and two comparables have more land area than the subject. The Property Tax Appeal Board placed diminished weight on comparable 1 contained in the appellant's appraisal report due to its considerably smaller dwelling size when compared to the subject.

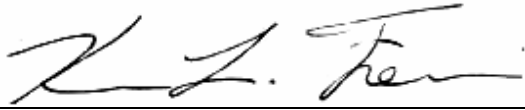
The Property Tax Appeal Board finds the remaining three comparable sales to be more representative of the subject in age, size, design and amenities. These properties sold in April or May of 2004 for prices ranging from \$328,000 to \$380,000 or from \$115.71 to \$126.15 per square foot of living area including land. The subject's assessment of \$120,020 reflects an estimated market value of \$358,376 or \$104.03 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in this record on a per square foot basis. After considering adjustments to these most similar comparables for differences when compared to the subject, such as their older age, smaller size as well as land sizes and amenities, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is well supported. Therefore, the Property Tax Appeal Board finds no reduction in the subject's assessment is warranted.

In conclusion, the Board finds the evidence in this record demonstrates the subject property is not overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and no reduction is warranted.


This is a final administrative decision of the Property Tax Appeal Board are subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 28, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.